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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,217	11/19/2001	Robert M. Zeidman	M-8637-1P US	9153

32605 7590 04/20/2007 MACPHERSON KWOK CHEN & HEID LLP 2033 GATEWAY PLACE SUITE 400 SAN JOSE, CA 95110	

EXAMINER
LUU, CUONG V

ART UNIT	PAPER NUMBER
2128	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/044,217	ZEIDMAN, ROBERT M.
	Examiner	Art Unit	
	Cuong V. Luu	2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 January 2007*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *17,18 and 57-63* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *17,18 and 57-63* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claims 17-18 and 57-63 are pending. Claims 17-18 and 57-63 have been examined. Claims 17-

18 and 57-63 have been rejected.

The indicated allowability of claims 17-18 and 57-63 are withdrawn in view of the newly

discovered reference(s) to Microsoft Press Computer Dictionary, Third Edition, 1997.

Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 17-18 and 57-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hellestrand (U.S. Patent 6,230,114 B1) in view of Microsoft Press Computer Dictionary,

Third Edition, 1997.

1. As per claims 17, Hellestrand teaches a system for connecting an electronic device under

   simulation to a network, wherein the simulation is to be carried our by software in a

   computer. However, Hellestrand does not teach the steps of testing the system as recited in

   the claimed invention.

   While Microsoft Press Computer Dictionary, 1997 pages 179, 180 (MPCD), does not

   explicitly teach the steps of performing a comparison of packets received from a first

computer and reporting an error, the examiner submits that this feature "reads on" well established and well known methods for error checking. Specifically, MPCD establishes that it is well known to check for errors by detecting for discrepancies between transmitted and received data during file transfer involving multiple computers (e.g. sending data from a first computer to second computer and back again, see: "error", "error checking", "error control", page 179). Obviously, the sending (first) computer performs the check. MPCD further sets forth that it is well known to report an error message responsive to a detected discrepancy (see: "error message", page 180).

Hence a skilled artisan would have knowingly implemented error reporting by the comparison of received and sent data packets as a method reporting a discrepancy in transmitted and received data.

2. As per claims 18, Hellestrand teaches a system for connecting an electronic device under simulation to a network, wherein the simulation is to be carried our by software in a computer. However, Hellestrand does not teach the steps of testing the system as recited in the claimed invention.

While Microsoft Press Computer Dictionary, 1997 pages 179, 180 (MPCD), does not explicitly teach the steps of performing a comparison of packets received from a first computer and reporting an error, the examiner submits that this feature "reads on" well established and well known methods for error checking. Specifically, MPCD establishes that it is well known to check for errors by detecting for discrepancies between transmitted and received data during file transfer involving multiple computers (e.g. sending data from a first computer to second computer, from the second to third computer, and then from the third computer back to second and first computer again, see: "error", "error checking", "error

control", page 179). Obviously, the sending (first) computer performs the check. MPCD further sets forth that it is well known to report an error message responsive to a detected discrepancy (see: "error message", page 180).

Hence a skilled artisan would have knowingly implemented error reporting by the comparison of received and sent data packets as a method reporting a discrepancy in transmitted and received data.

3. As per claims 57, Hellestrand teaches an apparatus a system for connecting an electronic device under simulation to a network, wherein the simulation is to be carried our by software in a computer. However, Hellestrand does not teach the testing the system as recited in the claimed invention.

While Microsoft Press Computer Dictionary, 1997 pages 179, 180 (MPCD), does not explicitly teach the steps of performing a comparison of packets received from a first computer and reporting an error, the examiner submits that this feature "reads on" well established and well known methods for error checking. Specifically, MPCD establishes that it is well known to check for errors by detecting for discrepancies between transmitted and received data during file transfer involving multiple computers (e.g. sending data from a first computer to second computer and back again, see: "error", "error checking", "error control", page 179). Obviously, the sending (first) computer performs the check. MPCD further sets forth that it is well known to report an error message responsive to a detected discrepancy (see: "error message", page 180).

Hence a skilled artisan would have knowingly implemented error reporting by the comparison of received and sent data packets as a method reporting a discrepancy in transmitted and received data.

4. As per claims 58, Hellestrand teaches an apparatus of a system for connecting an electronic device under simulation to a network, wherein the simulation is to be carried our by software in a computer. However, Hellestrand does not teach the steps of testing the system as recited in the claimed invention.

While Microsoft Press Computer Dictionary, 1997 pages 179, 180 (MPCD), does not explicitly teach the steps of performing a comparison of packets received from a first computer and reporting an error, the examiner submits that this feature "reads on" well established and well known methods for error checking. Specifically, MPCD establishes that it is well known to check for errors by detecting for discrepancies between transmitted and received data during file transfer involving multiple computers (e.g. sending data from a first computer to second computer, from the second to third computer, and then from the third computer back to second and first computer again, see: "error", "error checking", "error control", page 179). Obviously, the sending (first) computer performs the check. MPCD further sets forth that it is well known to report an error message responsive to a detected discrepancy (see: "error message", page 180).

Hence a skilled artisan would have knowingly implemented error reporting by the comparison of received and sent data packets as a method reporting a discrepancy in transmitted and received data.

5. As per claims 59, Hellestrand teaches a computer readable medium for use in a system for connecting an electronic device under simulation to a network, wherein the simulation is to be carried our by software in a computer. However, Hellestrand does not teach the medium

comprising computer-executable instructions for testing the system as recited in the claimed invention.

While Microsoft Press Computer Dictionary, 1997 pages 179, 180 (MPCD), does not explicitly teach the steps of performing a comparison of packets received from a first computer and reporting an error, the examiner submits that this feature "reads on" well established and well known methods for error checking. Specifically, MPCD establishes that it is well known to check for errors by detecting for discrepancies between transmitted and received data during file transfer involving multiple computers (e.g. sending data from a first computer to second computer and back again, see: "error", "error checking", "error control", page 179). Obviously, the sending (first) computer performs the check. MPCD further sets forth that it is well known to report an error message responsive to a detected discrepancy (see: "error message", page 180).

Hence a skilled artisan would have knowingly implemented error reporting by the comparison of received and sent data packets as a method reporting a discrepancy in transmitted and received data.

6. As per claims 60, Hellestrand teaches a computer readable medium for use in a system for connecting an electronic device under simulation to a network, wherein the simulation is to be carried our by software in a computer. However, Hellestrand does not teach the medium comprising computer-executable instructions for testing the system as recited in the claimed invention.

While Microsoft Press Computer Dictionary, 1997 pages 179, 180 (MPCD), does not explicitly teach the steps of performing a comparison of packets received from a first computer and reporting an error, the examiner submits that this feature "reads on" well

established and well known methods for error checking. Specifically, MPCD establishes that it is well known to check for errors by detecting for discrepancies between transmitted and received data during file transfer involving multiple computers (e.g. sending data from a first computer to second computer, from the second to third computer, and then from the third computer back to second and first computer again, see: "error", "error checking", "error control", page 179). Obviously, the sending (first) computer performs the check. MPCD further sets forth that it is well known to report an error message responsive to a detected discrepancy (see: "error message", page 180).

Hence a skilled artisan would have knowingly implemented error reporting by the comparison of received and sent data packets as a method reporting a discrepancy in transmitted and received data.

7. As per claims 61, Hellestrand teaches a system for connecting an electronic device under simulation to a network, wherein the simulation is to be carried our by software in a computer. However, Hellestrand does not teach the method of testing the system as recited in the claimed invention.

While Microsoft Press Computer Dictionary, 1997 pages 179, 180 (MPCD), does not explicitly teach the steps of performing a comparison of packets received from a first computer and reporting an error, the examiner submits that this feature "reads on" well established and well known methods for error checking. Specifically, MPCD establishes that it is well known to check for errors by detecting for discrepancies between transmitted and received data during file transfer involving multiple computers (e.g. sending data from a first computer to second computer and back again, see: "error", "error checking", "error control", page 179). Obviously, the sending (first) computer performs the check. MPCD further sets

forth that it is well known to report an error message responsive to a detected discrepancy

(see: "error message", page 180).

Hence a skilled artisan would have knowingly implemented error reporting by the

comparison of received and sent data packets as a method reporting a discrepancy in

transmitted and received data.

8. As per claims 62, Hellestrand teaches an apparatus a system for connecting an electronic

device under simulation to a network, wherein the simulation is to be carried our by software

in a computer. However, Hellestrand does not teach the testing the system as recited in the

claimed invention.

While Microsoft Press Computer Dictionary, 1997 pages 179, 180 (MPCD), does not

explicitly teach the steps of performing a comparison of packets received from a first

computer and reporting an error, the examiner submits that this feature "reads on" well

established and well known methods for error checking. Specifically, MPCD establishes that

it is well known to check for errors by detecting for discrepancies between transmitted and

received data during file transfer involving multiple computers (e.g. sending data from a first

computer to second computer and back again, see: "error", "error checking", "error control",

page 179). Obviously, the sending (first) computer performs the check. MPCD further sets

forth that it is well known to report an error message responsive to a detected discrepancy

(see: "error message", page 180).

Hence a skilled artisan would have knowingly implemented error reporting by the

comparison of received and sent data packets as a method reporting a discrepancy in

transmitted and received data.

9. As per claims 63, Hellestrand teaches a computer readable medium for use in a system for

connecting an electronic device under simulation to a network, wherein the simulation is to

be carried our by software in a computer. However, Hellestrand does not teach the medium

comprising computer-executable instructions for testing the system as recited in the claimed

invention.

While Microsoft Press Computer Dictionary, 1997 pages 179, 180 (MPCD), does not

explicitly teach the steps of performing a comparison of packets received from a first

computer and reporting an error, the examiner submits that this feature "reads on" well

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computer to second computer, from the second to third computer, and then from the third

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control", page 179). Obviously, the sending (first) computer performs the check. MPCD

further sets forth that it is well known to report an error message responsive to a detected

discrepancy (see: "error message", page 180).

Hence a skilled artisan would have knowingly implemented error reporting by the

comparison of received and sent data packets as a method reporting a discrepancy in
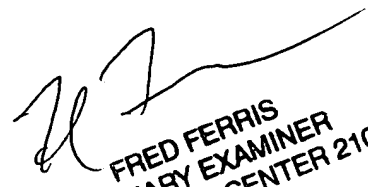
transmitted and received data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cuong V. Luu whose telephone number is 571-272-8572. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah, can be reached on 571-272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. An inquiry of a general nature or relating to the status of this application should be directed to the TC2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CVL

FRED FERRIS
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100